

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH  
BENEFITS FUND; PIRELLI ARMSTRONG  
RETIREE MEDICAL BENEFITS TRUST;  
TEAMSTERS HEALTH & WELFARE FUND OF  
PHILADELPHIA AND VICINITY;  
PHILADELPHIA FEDERATION OF TEACHERS  
HEALTH AND WELFARE FUND; DISTRICT  
COUNCIL 37, AFSCME - HEALTH &  
SECURITY PLAN; JUNE SWAN; BERNARD  
GORTER; SHELLY CAMPBELL and  
CONSTANCE JORDAN,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri corporation,  
and McKESSON CORPORATION, a Delaware  
corporation,

Defendants.

Civil Action: 1:05-CV-11148-PBS

Judge Patti B. Saris

**MCKESSON CORPORATION'S MOTION TO DISMISS  
THE RICO CLAIM OF THE PROPOSED U&C CLASS**

Pursuant to Federal Rules of Civil Procedure 9(b) and 12(c), Defendant McKesson Corporation respectfully moves this Court for dismissal of the RICO claim of the proposed U&C class. The grounds for this motion are stated in the accompanying Memorandum In Support Of McKesson Corporation's Motion To Dismiss The RICO Claim Of The Proposed U&C Class And Motion For Judgment On The Pleadings.

WHEREFORE, for the reasons set forth in the accompanying Memorandum, Defendant McKesson Corporation respectfully requests that the Court grant its motion to dismiss the U&C class's RICO claim and enter an Order:

- a. dismissing the RICO claim asserted by the proposed U&C class with prejudice; and
- b. providing such other and further relief as the Court deems just and proper.

#### **REQUEST FOR ORAL ARGUMENT**

Defendant McKesson Corporation believes that oral argument will assist the Court in deciding this motion, and respectfully requests that the Court hear oral argument on this motion.

Respectfully submitted,

McKesson Corporation  
By its attorneys:

/s/ Lori A. Schechter  
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Dated: December 13, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on December 13, 2007.

/s/ Lori A. Schechter  
Lori A. Schechter

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

I, Lori A. Schechter, counsel of record for defendant McKesson Corporation, hereby certify that I conferred with counsel for plaintiffs in an effort to resolve the dispute referred to in this motion, and that the parties have not been able to reach agreement with respect thereto.

/s/ Lori A. Schechter  
Lori A. Schechter